

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

KENNETH CRAIN, Individually and For §
Others Similarly Situated, §

Plaintiff, §

v. §

Case No. 4:20-cv-008

BERGAILA & ASSOCIATES, INC., §

Defendant. §

JOINT NOTICE OF SETTLEMENT AND MOTION TO EXTEND STAY

Plaintiff Kenneth Crain and Defendant Bergaila & Associates, Inc. file this Joint Notice of Settlement and Motion to Extend Stay and in support state as follows:

1. On February 4, 2020, Plaintiff filed the above-styled Lawsuit. ECF No. 1. Defendant answered on March 3, 2020. ECF No. 8.

2. On April 22, 2020, the Parties filed a Joint Motion to Stay Proceedings and Deadlines and for Equitable Tolling, requesting the Court stay this case for 60 days to allow the Parties to exchange class data and attempt to informally resolve this case. ECF No. 11. The Court granted that Motion by Order dated April 29, 2020. ECF No. 14.

3. On June 29, 2020, the Parties filed a Joint Motion to Extend Stay and for Equitable Tolling, requesting an additional 60 days for the Parties to engage in mediation. ECF No. 16. The Court granted that Motion via text Order on July 1, 2020.

4. On August 18, 2020, the Parties engaged in mediation and reached mutual resolution of their claims. The Parties respectfully request this Court extend the existing stay for

an additional 60 days so that the Parties may finalize their settlement agreement. If the Court grants this request, the stay will be extended through October 30, 2020.

5. This request is not made for purposes of delay, but in the interest of justice.

RESPECTFULLY SUBMITTED AND AGREED TO BY:

Dated: August 27, 2020

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/s/ Andrew W. Dunlap (with permission)

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**ATTORNEYS FOR PLAINTIFF
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Dated: August 27, 2020

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2020, I served the foregoing on all parties and/or their counsel of record via the Court's CM/ECF filing system in accordance with the Federal Rules of Civil Procedure.

/s/ Nicole S. LeFave

Nicole S. LeFave

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